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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 3/2	FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/IB2004/001232	International filing date (<i>day/month/year</i>) 23.04.2004	Priority date (<i>day/month/year</i>) 24.04.2003	
International Patent Classification (IPC) or national classification and IPC E03D9/04			
Applicant MATTIELLO, Ruggero			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> <i>sent to the applicant and to the International Bureau</i> a total of 7 sheets, as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 19.11.2004		Date of completion of this report 14.07.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Leher, V Telephone No. +49 89 2399-7352 <div style="text-align: right;">  </div>	

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

10/553835
International application No.
PCT/IB2004/001232

JC09 Rec'd PCT/PTO 20 OCT 2005

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1, 3-11 as originally filed
2, 2a, 2b received on 21.02.2005 with letter of 21.02.2005

Claims, Numbers

1-14 received on 21.02.2005 with letter of 21.02.2005

Drawings, Sheets

1/4-4/4 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing *(specify)*:
- ☐ any table(s) related to sequence listing *(specify)*:

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing *(specify)*:
- ☐ any table(s) related to sequence listing *(specify)*:

* If item 4 applies, some or all of these sheets may be marked "superseded."

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-14
	No: Claims	
Inventive step (IS)	Yes: Claims	1-14
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: JP-A-2003096874

D2: BE-A-1008428

D3: DE-U-20008281

D4: WO00/77312

D5: FR-A-2067610

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (the references in parentheses applying to this document):

Aspirating apparatus for toilets which comprises aspirating means 10 *comprising an aspirator with an inlet and an outlet* connected operationally in the inlet to *formed* aspirating ducts 8a-d provided in the walls of a toilet bowl 3 of the aspirating apparatus for use in bathrooms and toilets the aspirating ducts leading into the cavity 4 inside defined by said walls near to the deposition area of urine and faeces in said cavity 4 in order to allow aspiration of the smells emitted by said urine and faeces next to the deposition area and in the outlet 13 connectable operationally to a different place than the room housing said toilet bowl 4.

The subject-matter of claim 1 differs from this known aspirating apparatus in that

- . the inlet of the aspirator is operationally connected to the outlet pipe of a flush box of the toilet bowl, whereby said outlet pipe leads in the ring duct for the washing water distribution in said cavity of said bowl,
- . said ducts being provided in the front wall and side walls of said bowl, and being connected to the ends of the back portion of said ring duct,
- . and in that the ducts are equipped with a plurality of aspirating openings along the curved portion, the openings communicating with said cavity.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as keeping the aspirating apparatus clean in a simple manner, in order to ensure effective aspiration close to the place of deposition.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

None of the documents show ducts which have openings close to the place of deposition, whereby these ducts and openings are cleaned at each flushing operation.

Claims 2-14 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Re Item VIII

Certain observations on the international application

Claim 1, Lack of Clarity, Article 6 PCT

The application does not meet the requirements of Article 6 PCT, because claim 1 is partly not comprehensible and therefore not clear. In view of the original description, in particular page 7, lines 22 - page 8, line 3 it is suggested to formulate claim 1 as follows (the reference signs missing):

Aspirating apparatus particularly for toilets comprising aspirating means comprising an aspirator with an inlet and an outlet, the inlet being operationally connected to formed aspirating ducts provided in the walls of a toilet bowl of the aspirating apparatus for use in bathrooms and toilets, the aspirating ducts leading into the cavity inside defined by said walls near to the deposition area of urine and faeces in said cavity in order to allow aspiration of the smells emitted by said urine and faeces next to the deposition area, the outlet of the aspirator intended to be connected operationally to a different place than the room housing said toilet bowl,

characterised in that

the inlet of the aspirator is operationally connected to the outlet pipe of a flush box of the aspirating apparatus, whereby said outlet pipe leads in a ring duct for the washing water distribution in said cavity of said bowl;

said aspirating ducts are provided in the front wall and side walls of said bowl and are connected to the ends of the back portion of said ring duct, said ducts along the curved portion being equipped with a plurality of aspirating openings communicating with said cavity and turning towards the outfall area of said bowl where urine and faeces deposit.